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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Melvin Frazier, Jr,

7 Plaintiff,

8 v.

9 CCDC, *et al.*,

10 Defendants.
11
12

Case No. 2:22-cv-00278-JAD-BNW

SCREENING ORDER

13 Presently before the court is *pro se* Plaintiff's complaint and application to proceed *in*
14 *forma pauperis* (ECF No. 1), each filed on February 14, 2022.

15 **I. *In forma pauperis* Application**

16 Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to
17 prepay fees and costs or give security for them. Accordingly, Plaintiff's request to proceed *in*
18 *forma pauperis* will be granted.

19 The Court now screens Plaintiff's complaint as required by 28 U.S.C. § 1915(e)(2).

20 **II. Analysis**

21 In screening a complaint, a court must identify cognizable claims and dismiss claims that
22 are frivolous, malicious, fail to state a claim on which relief may be granted, or seek monetary
23 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). A complaint is
24 frivolous if it contains "claims whose factual contentions are clearly baseless," such as "claims
25 describing fantastic or delusional scenarios." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989).
26 Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to
27 state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108,
28 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual

1 matter, accepted as true, to state a claim to relief that is plausible on its face.” *See Ashcroft v.*
2 *Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes *pro se* complaints and may only
3 dismiss them “if it appears beyond doubt that the plaintiff can prove no set of facts in support of
4 his claim which would entitle him to relief.” *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.
5 2014) (quoting *Iqbal*, 556 U.S. at 678).

6 Here, Plaintiff fails to state a claim upon which relief can be granted. First, Plaintiff’s
7 complaint is largely illegible. Second, from what the Court can discern, it appears that Plaintiff’s
8 allegations describe fantastic and delusional scenarios. For example, it appears that Plaintiff
9 alleges that he is related to several U.S. presidents and that the White House and Buckingham
10 Palace are using spy technology to invade his privacy. Thus, Plaintiff fails to state a claim upon
11 which relief can be granted. The Court, therefore, will dismiss Plaintiff’s complaint without
12 prejudice for the Plaintiff to file an amended complaint.

13 If Plaintiff chooses to file an amended complaint, the document must be titled “Amended
14 Complaint.” The amended complaint must contain a short and plain statement describing the
15 underlying case, the defendants’ involvement in the case, and the approximate dates of their
16 involvement. *See* Fed. R. Civ. P. 8(a)(2). Although the Federal Rules of Civil Procedure adopt a
17 flexible pleading standard, Plaintiff still must give defendants fair notice of the Plaintiff’s claims
18 against them and Plaintiff’s entitlement to relief.

19 The amended complaint also must contain a short and plain statement of the grounds for
20 the Court’s jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Regarding jurisdiction, Plaintiff is advised
21 that “[f]ederal district courts are courts of limited jurisdiction, possessing only that power
22 authorized by Constitution and statute.” *K2 Am. Corp. v. Roland Oil & Gas, LLC*, 653 F.3d 1024,
23 1027 (9th Cir. 2011) (quotation omitted). Federal district courts “have original jurisdiction of all
24 civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C.
25 § 1331. Federal district courts have original jurisdiction over civil actions in diversity cases
26 “where the matter in controversy exceeds the sum or value of \$75,000” and where the matter is
27 between “citizens of different States.” 28 U.S.C. § 1332(a). “Section 1332 requires complete
28 diversity of citizenship; each of the plaintiffs must be a citizen of a different state than each of the

defendants.” *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir. 2001). Additionally, Plaintiff is advised that if he files an amended complaint, the original complaint no longer serves any function in this case. As such, the amended complaint must be complete in and of itself without reference to prior pleadings or other documents. The Court cannot refer to a prior pleading or other documents to make Plaintiff’s amended complaint complete.

III. Conclusion


IT IS THEREFORE ORDERED that Plaintiff’s Application for Leave to Proceed *In Forma Pauperis* (ECF No. 1) is GRANTED. Plaintiff will not be required to pay the filing fee in this action. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of a security for fees or costs. This order granting leave to proceed in forma pauperis does not extend to the issuance of subpoenas at government expense.

IT IS FURTHER ORDERED that the Clerk of the Court must detach and file Plaintiff’s complaint (ECF No. 1-1).

IT IS FURTHER ORDERED that the complaint (ECF No. 1-1) is DISMISSED without prejudice for failure to state a claim upon which relief can be granted but with leave to amend.

IT IS FURTHER ORDERED that Plaintiff shall have until March 9, 2022 to file an amended complaint. Failure to file an amended complaint will result in a recommendation that this case be dismissed.

DATED: February 16, 2022.


Brenda Weksler
United States Magistrate Judge